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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,735	03/30/2001	Jiming Sun	42390P10450	7299
8791 7590 10/13/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
BURGESS, BARBARA N				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
10/13/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/822,735

Applicant(s)

SUN ET AL.

Examiner

BARBARA N. BURGESS

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Amendment filed August 12, 2010. Claims 1-30 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 10-13, 15-17, 20-23, 25-27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiigi (US Patent Application Publication 2009/0164595 A1) in view of Matthews et al. (hereinafter "Matthews", US Patent 6,704,493 B1).

As per claims 1, 11, and 21, Shiigi discloses an apparatus, method, and computer program product comprising:

an encoder to encode data in a first format from an input device into a string of data having a second format supported by a server having an instant messaging infrastructure, the first format and second format being different (paragraphs [0021, 0031, 0033, 0045]);

a packetizer coupled to the encoder to break the string of data into packets no larger than maximum message size allowed by the infrastructure (paragraphs [0031, 0040]; a decoder to decode a received packet encoded in the second format back into the data having the first format (paragraphs [0031, 0033]) .

Shiigi does not explicitly disclose:

the packets having at least one packet having a header, the header identifying the first format.

However, in an analogous art, Matthews teaches a system that accepts different types of signal data from multiple sources, convert them into a common or desired format, packetize the converted signals into packets including a header having identifying information such as the original format (its type, resolution, aspect ratio) (Abstract, paragraph 4, lines 46-55).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Matthews's header identifying the first format in Shiigi's system enabling each signal to be subsequently retrieved for playback or display.

.As per claims 2, 12, 22, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the decoder comprises a detector to detect the second format and a converter to convert the string of data back into the data having the first format (paragraphs [0031, 0033]).

As per claims 3, 13, 23, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the at least one packet is transmitted to the sever supporting the second format (paragraph [0033]).

As per claims 5, 15, 25, Shiigi discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the second format is an American Standard Code of Information Interchange (ASCII) format (paragraph [0031]).

As per claims 6, 16, 26, Shiigi, discloses the apparatus, method, and computer program product of claims 1, 11, 21 wherein the data having the first format is ink input data (paragraph [0008], Abstract).

As per claims 7, 17, 27, Shiigi discloses the apparatus, method, and computer program product of claims 6, 16, 26 wherein the ink input data is obtained from is one of a touch-screen, a digitizer, a tablet, and a mouse (paragraph [0008, 0024], Abstract).

As per claims 10, 20, 30, Shiigi disclose the apparatus, method, and computer program product of claims 8, 18, 28 further comprising an interface layer coupled to the packetizer to process the at least one packet into one of an instant messaging, a chat message, and an email message (paragraphs [0045, 0055]).

3. Claims 4, 14, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiigi (US Patent Application Publication 2009/0164595 A1) in view of Matthews et al. (hereinafter "Matthews", US Patent 6,704,493 B1) and in further view of Kost (US Patent 5,867,112).

As per claims 4, 14, and 24, Shiigi, in view of Matthews, does not explicitly disclose wherein the data in the first format are scale parameters and a set of ink strokes that include ink color, width, and a collection of X and Y coordinates.

However, the use and advantages of data having such parameters is well-known to one of ordinary skill in the art as evidenced by Kost (column 1, lines 35-40, column 2, lines 4-8, 19-25, column 3, lines 16-24).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Kost's parameters in Shiigi's apparatus causing resolution to be successively doubled or intentionally increased to all bi-level pixel encoding into symbols which can be used for file-reduction.

4. Claims 8-9, 18-19, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiigi (US Patent Application Publication 2009/0164595 A1) in view of Matthews et al. (hereinafter "Matthews", US Patent 6,704,493 B1) and in further view of Lewis et al. (hereinafter "Lewis", US Patent Publication 2001/0053978 A1).

As per claims 8, 18, 28, Shiigi discloses an apparatus, method, and computer program product comprising:

an encoder to encode data in a first format from an input device into a string of data having a second format supported by a server having an infrastructure, the first format and second format being different (paragraphs [0002, 0006-0007, 0009]);
a packetizer coupled to the encoder to break the string of data into packets no larger than maximum message size allowed by the infrastructure (paragraphs [0031, 0040];
a management layer coupled to the packetizer to process the packetized string of data using a processing function, the management layer processing a received packet having data encoded in the second format (paragraphs [0012, 0031, 0033]).

Shiigi does not explicitly disclose:

the packets having at least one packet having a header, the header identifying the first format.

However, in an analogous art, Matthews teaches a system that accepts different types of signal data from multiple sources, convert them into a common or desired format, packetize the converted signals into packets including a header having identifying information such as the original format (its type, resolution, aspect ratio) (Abstract, paragraph 4, lines 46-55).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Matthews's header identifying the first format in Shiigi's system enabling each signal to be subsequently retrieved for playback or display.

Shiigi, in view of Matthews, does not explicitly disclose:
the processing function being enabled or disabled using a configuration user interface.

However, in an analogous art, Lewis discloses the user selecting one or more constraints used to decode special data. If selected, the constraint is enabled to decode special data and modify default recognition parameters (Abstract, paragraphs [0009]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Lewis's processing function being enabled or disabled using a configuration user interface in Shiigi's apparatus in order to decode special data.

As per claims 9, 19, 29, Shiigi discloses the apparatus, method, and computer program product of claims 8, 18, 28 wherein the processing function is one of smoothing (paragraph [0049]).

Response to Arguments

The Office notes the following argument(s):

- (a) Shiigi does not disclose encoding data in a first format from an input device into a string of data having a second format.
- (b) Shiigi does not disclose a packetizer to break the string of data into packets no larger than maximum message size.
- (c) Shiigi does not disclose an instant messaging infrastructure.

- (d) Shiigi does not disclose converting the second format into the first format.
- (e) Lewis does not disclose allowing the user to enable or disable a processing function.

In response to:

- (a) Applicant's argument filed has been fully considered but is not persuasive.

Shiigi explicitly teaches the user entering handwritten or hand-drawn data through a suitable manual input device. The handwriting or hand-drawn data is the first format. This data is shown as pixel data. The handwritten data is then encoded into an ASCII text format. This is the second format (paragraphs [0008, 0024, 0029, 0031 part (6)]). Therefore, Shiigi explicitly discloses encoding data in a first format from an input device into a string of data having a second format.

- (b) Applicant's argument filed has been fully considered but is not persuasive.

Shiigi teaches sending the converted ASCII text data in an email message to a recipient. Emails sent across a network are sent as packets. Because the emails are sent successfully (no errors) to the recipient, the messages meet the proper message size (paragraph [0031, parts (8) (9)]). Therefore, Shiigi indeed teaches a packetizer to break the string of data into packets no larger than maximum message size.

- (c) Shiigi teaches a handdrawn messaging system for different network environments, such as handwritten email messaging on the Internet, real-time instant IM handwritten messaging on IM networks, etc. (paragraph [0021]).

Therefore, Shiigi indeed teaches an IM infrastructure.

(d) Applicant's argument filed has been fully considered but is not persuasive.

Shiigi teaches the receiving server or client decoding the ASCII text (second format) data back into the pixel data as a handwritten or hand-drawn image (first format) (paragraphs [0031, parts (11b) (11c), 0037]).

Therefore, Shiigi, undoubtedly, discloses converting the second format into the first format.

(e) Lewis teaches the user being given the option for selecting a default mode or constrained mode (functions) for decoding/processing uncharacteristic handwriting data. If the user chooses the default mode, the constrained mode is disabled and can not be used. If the user chooses the constrained mode, the settings of the default mode will be disabled and can not be applied to the data (paragraphs [0009, 0018, 0021-0022]). Therefore, Lewis without a doubt discloses allowing the user to enable or disable a processing function.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457